

REFERENCE TITLE: initiative; referendum; recall; signatures

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1360**

Introduced by  
Senators Mitchell, Aguirre, Brotherton: Arzberger, Cannell, Chevront,  
Soltero

AN ACT

AMENDING SECTIONS 19-112 AND 19-205, ARIZONA REVISED STATUTES; RELATING TO  
INITIATIVE, REFERENDUM AND RECALL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 19-112, Arizona Revised Statutes, is amended to  
3 read:

4 19-112. Signatures and verification; attachment

5 A. Every qualified elector signing a petition shall ~~do so~~ BE A  
6 REGISTERED VOTER OF THE STATE, COUNTY, CITY OR TOWN WHERE THE PETITION IS  
7 CIRCULATED AT THE TIME OF SIGNING. THE QUALIFIED ELECTOR SHALL SIGN in the  
8 presence of the person who is circulating the petition and who is to execute  
9 the affidavit of verification. At the time of signing, the qualified elector  
10 shall sign his first and last names in the spaces provided and the elector so  
11 signing or the person circulating the petition shall print his first and last  
12 names and write, in the appropriate spaces following the signature, the  
13 signer's residence address, giving street and number, and if he has no street  
14 address, a description of his residence location. The elector so signing or  
15 the person circulating the petition shall write, in the appropriate spaces  
16 following the elector's address, the date on which the elector signed the  
17 petition.

18 B. The signature sheets shall be attached at all times during  
19 circulation to a full and correct copy of the title and text of the measure  
20 or constitutional amendment proposed or referred by the petition. The title  
21 and text shall be in at least eight point type and shall include both the  
22 original and the amended text. The text shall indicate material deleted, if  
23 any, by printing the material with a line drawn through the center of the  
24 letters of the material and shall indicate material added or new material by  
25 printing the letters of the material in capital letters.

26 C. The person before whom the signatures and addresses were written on  
27 the signature sheet shall, on the affidavit form pursuant to this section,  
28 subscribe and swear before a notary public that each of the names on the  
29 sheet was signed and the name and address were printed in the presence of the  
30 elector and the circulator on the date indicated, and that in his belief each  
31 signer was a qualified elector of a certain county of the state, or, in the  
32 case of a city, town or county measure, of the city, town or county affected  
33 by the measure on the date indicated, and that at all times during  
34 circulation of the signature sheet a copy of the title and text was attached  
35 to the signature sheet. All signatures of petitioners on a signature sheet  
36 shall be those of qualified electors who are registered to vote in the same  
37 county. However, if signatures from more than one county appear on the same  
38 signature sheet, only the valid signatures from the same county which are  
39 most numerous on the signature sheet shall be counted. Signature and  
40 handwriting comparisons may be made.

41 D. The affidavit shall be in the following form printed on the reverse  
42 side of each signature sheet:

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Affidavit of Circulator

State of Arizona )  
 ) ss.:  
County of \_\_\_\_\_)  
(Where notarized)

I, (print name), a person who is qualified to register to vote in the county of \_\_\_\_\_, in the state of Arizona at all times during my circulation of this petition sheet, and under the penalty of a class 1 misdemeanor, depose and say that each individual signed this sheet of the foregoing petition in my presence on the date indicated, and I believe that each signer's name and residence address or post office address are correctly stated and that each signer is a qualified elector of the state of Arizona (or in the case of a city, town or county measure, of the city, town or county affected by the measure proposed to be initiated or referred to the people) and that at all times during circulation of this signature sheet a copy of the title and text was attached to the signature sheet.

(Signature of affiant) \_\_\_\_\_  
(Residence address, street and number of affiant, or if no street address, a description of residence location) \_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_.  
(date)

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_, Arizona.

My commission expires on \_\_\_\_\_.  
(date)

E. The eight point type required by subsection B shall not apply to maps, charts or other graphics.

Sec. 2. Section 19-205, Arizona Revised Statutes, is amended to read: 19-205. Signatures and verification

A. Every qualified elector signing a petition for a recall election shall ~~do so~~ BE A REGISTERED VOTER OF THE ELECTORAL DISTRICT FROM WHICH THE CANDIDATE WAS ELECTED AT THE TIME OF SIGNING. THE QUALIFIED ELECTOR SHALL SIGN in the presence of the person who is circulating the petition and who is to execute the affidavit of verification on the reverse side of the signature sheet. At the time of signing, the qualified elector shall sign and print his first and last name and the elector so signing shall write, in the appropriate spaces following the signature, his residence address, giving

1 street and number or, if the elector has no street address, a description of  
2 his residence location, and the date on which he signed the petition.

3 B. The person before whom the signatures were written on the signature  
4 sheet ~~shall~~ in an affidavit subscribed and sworn to by him before a notary  
5 public SHALL verify that each of the names on the sheet was signed in his  
6 presence on the date indicated, and that in his belief each signer was a  
7 qualified elector of the election district on the date indicated in which  
8 such recall election will be conducted. All signatures of petitioners on a  
9 signature sheet shall be those of qualified electors who are registered to  
10 vote in the same county. ~~However,~~ If signatures from more than one county  
11 appear on the same signature sheet, only the valid signatures from the same  
12 county which are most numerous on the signature sheet shall be counted. In  
13 the absence of a legible signature, the name as it is printed shall be the  
14 name used to determine the validity of the signature.

15 C. The affidavit shall be in the form prescribed for initiative and  
16 referendum. In addition it shall also require a statement by the circulator  
17 that the circulator believes that the circulator is qualified to register to  
18 vote and all signers thereof are qualified to vote in the recall election.